

Appl. No. : 10/017,753
Filed : December 11, 2001

REMARKS

Prior to examination, and in response to the Office Action mailed February 12, 2004, Applicant respectfully requests the Examiner to consider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-6 and 9 remain pending. Claims 1 and 3 have been amended, and new Claim 9 has been added.

In the Office Action mailed February 12, 2004, the Examiner disposed of the claims as follows:

CLAIM NOS.	DISPOSITION/REJECTION		
	BASIS	PRIMARY REFERENCE	SECONDARY REFERENCE(S)
1-3	102(e)	Hanna US 2002/0138140	n/a
1-2	102(e)	Woods US 6,299,641	n/a
4-6	Allowed		

The Examiner also noted that the previous amendment lacked a discussion of support for the claim limitations newly presented therein.

Claim 1

Claim 1 stands rejected as anticipated by each of Hanna and Woods. However, Applicant has amended Claim 1 in a manner which is believed to obviate the Examiner's rejections.

For example, the Hanna reference fails to teach or suggest a "posterior viewing element comprised of an optic having refractive power." See Hanna at Figs. 7-11, 15-18; para. 0061. Hanna also fails to teach or suggest an "anterior biasing element [which] exerts a biasing force on [an] anterior viewing element, said biasing force being greater when said viewing elements are in [an] unaccommodated state, than when said viewing elements are in [an] accommodated state." See Hanna at Figs. 11, 13, 15-18; paras. 0060, 0067 (referring to the "rest state" and "rest position" of the implant 100 when the implant 100 and element 120 are in the unaccommodated state).

Regarding the Woods reference, it likewise fails to teach or suggest a "posterior viewing element comprised of an optic having refractive power." See Woods at Figs. 2-4, 7, 9, 11, 13;

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col. 4:27-42. Woods also contains no teaching or suggestion of an “anterior biasing element [which] comprises four arms, two of which extend from the anterior viewing element toward [a] first apex, and another two of which extend from the anterior viewing element toward [a] second apex.” See Id.

For at least the foregoing reasons, Applicant respectfully submits that amended Claim 1 is in condition for allowance over the prior art of record.

Dependent Claims, New Claim

As demonstrated above, independent Claims 1 is believed to be in condition for allowance over the prior art of record. Dependent Claims 2-3 are also believed to be in condition for allowance, by virtue of their dependence from an allowable base claim as well as their recitation of further novel and unobvious combinations of features.

Applicant presents herein new Claim 9, dependent from allowed Claim 4. Claim 9 is also believed to be in condition for allowance.

Support for Claim Limitations Newly Presented in Previous Amendment

The Examiner noted that the previous amendment (the Preliminary Amendment filed January 16, 2004) lacked a discussion of support for the claim limitations newly presented therein. Descriptive support for the claim amendments and new claims presented therein may be found in at least the following portions of the specification. Please note that this identification of descriptive support is not intended to exhaustive with respect to any of the claims. Rather, the following identification is intended merely to demonstrate sufficient descriptive support to satisfy section 112, paragraph 1, and the claims may find support in Applicant’s lengthy specification in portions other than those identified. (All figure and paragraph numbers refer to the application as published (no. US 2002/0116058).)

CLAIM NO.	SUPPORT
1	Figs. 3-5, 7-15, 17.4-22.1, 35-39B; paras. 0006-0007, 0009, 0011, 0016, 0083-0086, 0091-0093
2	Figs. 3-5, 7-15; paras. 0091-0093
4	Figs. 3-5, 7-15, 17.4-22.1, 35-39B; paras. 0006-0007, 0009, 0011, 0016, 0083-0086, 0091-0093

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CLAIM NO.	SUPPORT
5	Figs. 3-5, 7-15; paras. 0091-0093

Support for Claim Limitations Newly Presented in This Amendment

Descriptive support for the claim amendments and new claims presented herein may be found in at least the following portions of the specification. Please note that this identification of descriptive support is not intended to be exhaustive with respect to any of the claims. Rather, the following identification is intended merely to demonstrate sufficient descriptive support to satisfy section 112, paragraph 1, and the claims may find support in Applicant's lengthy specification in portions other than those identified. (All figure and paragraph numbers refer to the application as published (no. US 2002/0116058).)

CLAIM NO.	SUPPORT
1	Figs. 3-5, 7-15, 17.4-22.1, 35-39B; paras. 0006-0007, 0009, 0011, 0016, 0083-0086, 0091-0093
9	Figs. 3-5, 7-15; paras. 0083-0086, 0091-0093

Supplemental Information Disclosure Statement

Applicant submits herewith a Supplemental Information Disclosure Statement citing a number of additional references for consideration by the Examiner.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments, deletions and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments, deletions and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a

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portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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